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SUBJECT: CZECH SENATE GIVES OK FOR PROSECUTION OF DEPUTY
PRIME MINISTER JIRI CUNEK

¶1. (SBU) SUMMARY On February 7, the Czech Senate decided, by a single vote, to remove the criminal immunity of Senator Jiri Cunek, Principal Deputy Prime Minister, Minister for Regional Development, and Chairman of the ruling coalition's junior member, the Christian Democrats. The vote means that police can formally charge Cunek, who is suspected of taking a bribe in 2002, and proceed with their criminal investigation. PM Topolaneck has said he will not ask Cunek to resign from the government, but has otherwise said little in Cunek's defense. If Cunek resigns, his departure will have little effect on the ruling coalition, but could be another damaging blow to his own party. END SUMMARY

WHAT'S BEHIND THE MOVE

¶2. (U) Cunek would be the first sitting member of a Czech cabinet to be formally prosecuted, though he is the fifth Senator to have his immunity removed in the Senate's ten years. Cunek has not yet been formally charged, but must be charged before Sunday, February 11, when the five-year statute of limitations runs out. The specific charge is that he took a bribe of half a million crowns (USD 13,500 at 2002 exchange rate) from a real estate firm while mayor of a small Moravian town in 2002. Police are suspicious because Cunek made a deposit of 497,000 crowns just after the real estate firm made a withdrawal of 499,000 crowns. There is also an inexplicable discrepancy between his family income (2.6 million crowns) and his family expenditures (4.5 million crowns) for the early years of his political career. His wife says she received 1.5 million crowns to build a dental office from a friend whose name she does not wish to reveal. Cunek's former secretary told police that Cunek gleefully showed her a satchel of cash and as much as admitted it was a bribe. Two weeks before the Senate vote, Cunek stated publicly that he looked forward to having his immunity stripped so he could defend himself. But in a speech to colleagues before the vote, he said nothing along those lines. His attorney, meanwhile, distributed a message asking colleagues to let him keep his immunity.

¶3. (U) Czech law puts the onus of proof on the prosecution to establish that assets were acquired illegally. You can not be convicted simply because your assets and expenditures far outstrip your legally reported income. A conviction may prove difficult.

THE POLITICAL DYNAMIC

¶4. (U) None of the five Senators who are also in the cabinet voted to allow Cunek to be prosecuted. Deputy Prime Minister Sasha Vondra (ODS), and Foreign Minister Karel Schwarzenberg both voted to allow Cunek to keep his immunity, as did Cultural Minister Vaclav Jehlicka, from Cunek's own party. Cunek himself abstained, as did Health Minister Tomas Julinek

(ODS). But four members of Cunek's party did vote to turn lift immunity, including the Vice President of the Senate, Petr Pithart, as well as the Chairman and Vice-Chairman of the Christian Democrats' faction in the Senate. Sixteen of the 41 ODS Senators also voted to allow prosecution, including the President of the Senate, Premysl Sobotka.

15. (U) The Green Party, the other junior party in the three-party coalition, are critics of Cunek already because of his moves against Roma rent defaulters in Vsetin, the town of which he used to be mayor. The Greens are also vocal proponents of transparency and clean government. They have criticized Cunek in the past, but have been silent since the vote in the Senate. For its part, ODS campaigned last year on a promise to fight corruption. But ODS had nothing about the Cunek case on its website on February 9, though it dominated the front pages of every national daily. The Christian Democrats, on the other hand, featured the Cunek case in 11 of the 16 pieces on its website, including one in which Cunek argues that he is not being distracted by the corruption charges. The pieces defending Cunek are authored by Cunek himself. None of the other party leaders are standing up for him.

HIS PROSPECTS

16. (SBU) Until he won a convincing victory in the October, 2006, Senate elections, Cunek was an obscure small-town mayor. He only became Chairman of the Christian Democrats in December 2006, and only became a member of the government in January, 2007. He is not yet a significant force in national politics and, though technically the number two person in the government, not an indispensable part of the ODS-led coalition. Neither his coalition partners nor the leaders of his own party are rallying to his defense. Foreign Minister Schwarzenberg, who changed his earlier stance and voted to

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let Cunek keep his immunity, explained that he did so because he has no faith in the nation's police or courts, but said nothing about Cunek's innocence. PM Topolanek issued a statement after the Senate vote saying he would not call on Cunek to resign, but otherwise offered little firm support.

17. (SBU) Comment: Many politicians and political analysts are saying that Cunek's political career, at least for the time being, is finished. Regardless of the results of an eventual court case, he has done a clumsy job of explaining himself. If ODS is to have any credibility as an opponent of corruption, it will eventually have to take a stand on the case. If Cunek does eventually step down, it will have relatively little impact on the coalition. In fact, it could prompt a reshuffle that would help Topolanek satisfy critics within his own party. The larger impact will be on the on-going decline of the Christian Democrats who are now polling in 5th place and are just barely above the 5% threshold for entry into parliament.

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